

# Congress of the United States

Washington, DC 20515

December 12, 2005

The Honorable Kevin J. Martin  
Chairman, Federal Communications Commission  
445 12<sup>th</sup> St., SW  
Washington, DC 20554

Dear Chairman Martin:

We want to commend you for your recent announcement that you will revisit the FCC study regarding consumer choice and share your interest in providing consumers with the best television viewing experience possible. Your interest and leadership are critically important and we appreciate your dedication to producing a valuable analysis.

As you know, the Committee on Energy & Commerce, at the request of Representative Nathan Deal, requested the initial study as a part of the Satellite Home Viewer Extension and Reauthorization Act of 2004. The purpose of the study was to assist the Committee's effort to better understand the costs and benefits of the current regulatory regime which governs programming and its delivery to consumers.

In particular, claims have been made that retransmission consent agreements allow the tying of family friendly channels to those undeniably inappropriate for children and raises rates for consumers. We have heard that some networks mandate that to gain carriage for children's programming often requires carriage of adult content on the same tier. That situation seems questionable at best and may be one of the core reasons our constituents are not satisfied with their viewing options.

Consequently, our goal is to investigate whether today's market structure provides consumers with the best mechanism possible to satisfy their ability to protect their families from objectionable content as well as to help control the prices they pay. An accurate and unbiased report from the Commission will greatly assist us in our on-going efforts and we appreciate your efforts to produce the most illuminating material possible.

As you stated in your testimony in the Senate forum on indecency on November 29, we too hear from constituents about the coarseness of today's programming. While media companies and distributors argue that the V-chip is a user-friendly tool available for blocking programming, we continue to question whether that tool, alone, is sufficient.

The option of allowing cable providers and satellite distributors, as well as any new entrants to the pay-television market, to package programming in a way which meets the demands of the communities they serve may be a reasonable and viable option to consider. We are also interested in your comments and analysis that allowing consumers to purchase tiers may be a way to not only address many concerns surrounding indecency, but may also lower cable rates by nearly 2%.

As you revisit the original FCC report, your investigation as to the merits of making such changes will be critically important in helping guide our deliberations. The fact that you believe the earlier report "relied on problematic assumptions and presented incorrect and incomplete analysis", as well as "makes mistakes in it's calculation" and "presents only one side of the economic literature" points to the need for a thorough review and revision of that document. We are also interested in your assessment that updating the rules of the marketplace "could provide substantial consumer benefits" and hope your review will help identify how to maximize those benefits.

Again, we are pleased to see your commitment to improving the current television marketplace. We look forward to working with you on this important matter and to learning of the results of your revised report.

Respectfully,

Nathan Deal

Ed Whitjits

Julie Nance

John Pitt

Barbara Cullen

Charles F. Bass

Ed Markey

Fred Strickland

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_